



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/626,090

07/26/2000

Albert Henricus Franciscus de Heer

GDT1P003

8140

22434

7590

07/01/2004

BEYER WEAVER & THOMAS LLP

P.O. BOX 778

BERKELEY, CA 94704-0778

EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,090

Applicant(s)

FRANCISCUS DE HEER ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/04; 3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Note

A Notice of Draftsperson's Drawing Review (PTO-948) was issued with the Office Action filed 22 October 2003. There is no record of the Applicant submitting corrections to the drawings as noted by the drawing review. Corrected drawings are required.

Response to Amendment

The Applicant amended to correct minor informalities, amended to reduce the length of the Abstract, and amended to further clarify the subject matter regarded as the invention. The Applicant newly added Claims 14-17 and withdrew Claims 6 and 8-13. Claims 1-5, 7, and 14-17 were examined in this final Office Action necessitated by amendment.

Response to Arguments

The Applicant arguments filed on 12 March 2004 are not persuasive. The Applicant amended and newly added claims and based arguments on the amended and newly added claims.

Rejection under 35 USC 103(a) was necessitated by amendment. The examiner withdrew News Release (Paper #6, PTO-892, Item: UU) from the Office Action as being redundant.

The Applicant argued none of the prior art discloses or suggests capturing product data suitable for use in an electronic catalog and distributing product data for those products specified in a customer profile, the language selection in association with the customer profile: MWS (Paper #6) teaches companies providing multilingual electronic catalog web sites (e.g. AMP electrical components online multilingual catalog) that provide a catalog tailored for the customer associated with the customer profile, and teaches creating company-specific catalogs (please note examiner's interpretation: company can be a customer of the manufacturer (e.g. retailer, distributor, direct end customer)). MWS teaches acquiring catalog data from marketing and product information databases, and further teaches analyzing a customer's click-prints to determine what information to display based on customer preferences, and further teaches producing a catalog on the fly.

The Applicant argued the references do not disclose or suggest distributing data for use in generating a catalog- they merely teach providing a catalog to an end user: MWS does teach acquiring catalog data from marketing and product information databases and AMP producing over 400 paper-based catalogs and going online to reduce information overload caused by paper-based catalogs. Though not relied upon in the rejection, based on the evidence disclosed by MWS it is well within the skill to ascertain that customized multilingual online catalogs presented to end users or specific companies do not merely materialize- action is required to transform data sources suitable for online catalog

organization, storage, and presentation. Provilus (Paper #6) provides horizontal applicability to electronic catalogs and specifically teaches electrical components catalogs and multilingual catalogs. Provilus teaches creating, storing, and distributing electronic data for electronic catalogs according to a data model based on classes, categories, and attributes, and further teaches using media capture tools to generate a catalog from various data sources.

The Applicant argued the present invention enables a customer to specify those products for which data they request, as well as the languages in which the data is requested, and that the cited references merely teach displaying product data in form of a catalog to an end user: MWS and Provilus teach creating a catalog based on the user profile in the language associated with the customer's profile as noted above. MWS and Provilus teach creating company-specific catalogs. Furthermore, the system and method of Provilus is that of a cataloger aggregating catalog information from multiple manufacturers.

Arguments for dependent claims were based solely on the merits of the independent claims as discussed above.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

- 1. Claims 1-5, 7, and 14 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.**

The claims are directed to a process that does nothing more than manipulate an abstract idea. Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea. There is no practical application in the technological arts to support the core invention- "suitable for use in an electronic catalog" is insufficient application of the technological arts. For subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. See *In re Alappat* 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond V. Diehr*, 450 U.S. at 192, 209 USPQ at 10). A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result: i.e. the method recites a step or act of producing something that is concrete, tangible and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-5, 7, and 14-17 are rejected under 35 USC 103(a) as being unpatentable over Multilingual Web Sites (a collection of articles cited in Paper #6, PTO-892, Items: U-X, herein after referred to as "MWS"), in view of Provilus (Paper #6, patent number 5,740,425).**

MWS teaches companies creating and distributing user-friendly multilingual online catalogs. MWS further teaches:

- Storing the product data suitable for use in an electronic catalog: AMP multilingual online catalog is stored in a database (W: see at least page 1).
- Receiving a customer profile; generating a catalog based on customer profile; transmitting catalog to customer: HP engineer registers at AMP site and receives a customized catalog of standard HP parts identified in the HP format (please note examiner's interpretation: catalog created based on customer profile derived from customer registration) (X: see at least page 4); customized shoe catalog generated after customer describes his work, leisure, and recreational preferences (please note examiner's interpretation: web site uses customer profile to create and

transmit an electronic catalog customized for the customer) (X: see at least page 4); expressed preferences are used to create electronic catalog on the fly (X: see at least page 4); profiling customer based on click-prints; creating customer catalog on the fly and automatically updating the customer's catalog based on click-prints tracking (X: see at least page 4); creating company-specific catalog (please note examiner's interpretation: AMP customer company can be any type of customer (e.g. retailer, distributor, direct customer of AMP) (X: see at least page 4).

- Storing the set of language selections for each of the customers: AMP catalog designed to be multilingual; at welcome page customer clicks on box indicating language preference: English, French, German, Italian, Spanish, Japanese, Chinese, or Korean (V: see at least page 1).
- Distributing the product data: catalogs distributed over the Internet (X: see at least page 3).
- System means: Internet, databases for storing electronic catalogs, search engines (U: see at least page 3; W: see at least page 1; X: see at least page 3).
- Providing attribute translation: AMP catalog provides searchable product parameters (X: see at least page 3); AMP customer chooses a language, each term is identified with a number, terms are translated to the language chosen, only one copy of the catalog is required (please note examiner's interpretation: translates catalog vocabulary) (W: see at least page 1).

- Language selection associated with customer profile:

MWS teaches all the above as noted under the 103(a) rejection and teaches a) AMP website using a customer profile, resulting from customer registration, to generate a customized catalog for the profiled customer (e.g. HP engineer as described above), and b) AMP customer's completing a registration form after selecting language preference (V: see at least page 1). MWS, however, does not specifically disclose the language selection associated with the profile. It would have been obvious to one of ordinary skill in the art to associate the language selection with the customer profile, since it is well within the skill to ascertain the profile was created after the customer made a language selection, thereby associating the profile with the language used to create the profile.

- Capturing product data according to a data model (classes, categories, attributes):

MWS teaches all the above as noted under the 103(a) rejection and teaches a) creating user-friendly multilingual online electronic catalogs, b) SunExpress acquiring online content for a multilingual electronic catalog from a proprietary database of marketing and product information (U: see at least page 3), and c) customer's searching for a manufacturer's product alphabetically, by part number, or by picture, or classification (e.g. shoes, electrical devices), but does not specifically disclose capturing data according to a data model based on classes, categories, and attributes.

Provilus teaches publishing an online catalog for electrical devices and manufacturers having a need to deliver product information electronically to customers (see at least abstract; col. 3, lines 9-54). Provilus further teaches:

- a specification and data structure, glossary for vocabulary, and phrases in any language (see at least Fig. 2; Fig. 7-9; Fig. 25; col. 3, lines 9-54; col. 5, line 66 through col. 7, line 28; col. 13, line 25 through col. 14, line 23).
- capturing means of product information for the online catalog; media capture tools (see at least abstract; Fig. 16; Figs. 25-27; col. 17, lines 23-33; col. 25, line 66 through col. 33, line 47).
- system and apparatus means for capturing and distributing catalog data: workstations, network servers, memory, computer processors, Internet; media capture tools (see at least Fig. 1 (20, 25); col. 5, lines 55-65; col. 12, line 2).
- computer readable medium: software for capturing electronic content; computer readable medium (e.g. disk, floppy disks, PC memory) (see at least Fig. 1; Fig. 34B (256); col. 26, lines 23-27).
- data model defined by classes, categories, and attributes (see at least abstract; Figs. 7-9 (Electrical Devices, Sensors, Ultrasonic); col. 9, lines 65 through col. 10, line 26; col. 13, line 25 through col. 14, line 23).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of MWS to capture catalog data and distribute catalog data according to a data model with classes, categories, and attributes as taught by Provilus, in order to organize data into a user-friendly navigational approach, and thereby attract customers to the service.

- Plurality of products is manufactured by one of a plurality of manufacturers:

MWS teaches all the above as noted under the 103(a) rejection and teaches companies providing their own online catalogs, but does not disclose online catalogs containing a plurality of products manufactured by a plurality of manufacturers. Provilus teaches the problems associated with a catalog featuring products from multiple manufacturers and further teaches implementing a data model for an online multi-manufacturer catalog (see at least col. 2, lines 11-31; col. 3, lines 8-29). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose a multi-manufacturer online catalog as taught by Provilus, in order to give customers more choices of manufacturers, and thereby increase online sales through the service.

Pertaining to Claims 15-17

Rejection of Claims 15-17 is based on the same rationale as noted above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

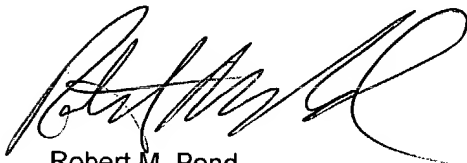
Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is written over a horizontal line.

Robert M. Pond
Patent Examiner
June 28, 2004